



## REGULAR MEETING MINUTES

**Wednesday, January 22, 2014  
Art Pick Council Chambers  
3900 Main Street, Riverside, CA**

### CASE REVIEW – 4:00 PM

#### Case Review Roll Call

Rotker	Hawkins	Ybarra	Taylor	Ortiz	Jackson	Roberts	VACANT	Adams
✓	L	✓	✓	✓	✓	✓	■	S

✓ = Present    **B** = Absent / Business    **S** = Absent / Sick    **V** = Absent / Vacation    **O** = Absent / Other  
**UE** = Absent / Unexcused    **L** = Late    **LE** = Left Early    **■** = Vacant

**STAFF:** Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

#### Public Comment

This is an opportunity for members of the public to address the Commission on closed session items.

Ms. Veronica Mendoza, Mr. Jason Hunter, and Mr. Fernando Romero addressed the Commission regarding their respective cases.

#### Closed Session – Case Review

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:35 PM to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

	CPRC CASE NO.	RPD CASE NO.
1)	12-002	PA-12-01003
2)	13-007	PC-13-04014
3)	13-030	PC-13-07046
4)	13-031	PC-13-09052
5)	13-032	PC-13-09053
6)	13-035	PC-13-09055

The Commission recessed at 5:30 PM to reconvene in the Regular Meeting.

## REGULAR MEETING – 5:30 PM

Audio for the following proceedings is available on the CPRC website:

[www.riversideca.gov/cprc](http://www.riversideca.gov/cprc)

Copies can also be obtained by calling the CPRC office at (951) 826-5509.

### PLEDGE OF ALLEGIANCE

#### Regular Meeting Roll Call

Rotker	Hawkins	Ybarra	Taylor	Ortiz	Jackson	Roberts	VACANT	Adams
✓	✓	✓	✓	✓	✓	✓	■	S

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**STAFF:** Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

#### Public Comments

Public comment on any subject matter within the Commission's jurisdiction.

Paul Chavez again voiced his questions concerning the Jimenez OID: why were there so many officers there; where did all the fired rounds go. He said he believes it was overkill and asked whether or not officers used batons anymore to disarm suspects. He asked the Commission to please get answers to his questions and to also learn about the involved officers.

Jason Hunter said he had spoken to the Commission earlier regarding a complaint he had filed. He again questioned the legality of the Commission's ability to meet in closed session, saying that he believes it is a violation of the Brown Act. He said he would like the City Attorney to cite the authority that gives the Commission the ability to meet in closed session on non-investigatory matters. He noted that he wasn't expressing concerns about the commissioners, but said he believes the Commission's activities are a violation of state law.

#### Approval of Minutes

Minutes for Approval	Motion	Second	Approve	Oppose	Abstain
A) December 11 Regular Meeting	Rotker	Ybarra	Rotker, Hawkins, Ybarra, Taylor, Ortiz, Roberts	0	Jackson

#### RPD Briefing

Preliminary briefing on the officer-involved death of Dontae Daveon Lewis Hayes on December 31, 2013.

Asst. Chief Chris Vicino briefed the Commission on the Hayes incident. (The audio, along with the slide show presentations, is available on the CPRC website.)

Questions were asked of Asst. Chief Vicino regarding the incident.

Commissioner Rotker:

- The suspect was two or three feet from the officer when he fired, but missed him.
  - One to two feet.

- Was it a swinging shot that caused him to miss? How could he have missed when he was so close?
  - Most police shootings happen in a very close proximity, probably four to five feet, and there are many misses in similar situations. In this instance, the suspect reached to his waistband with his right hand, made a side-step with his right leg, and turned toward the officer in a sweeping motion. The officer was able to move and avoid being shot.
- Both of them were in motion?
  - Most likely. This information is from the officer's statement and his recollection. I don't think it's uncommon to have misses at such a close range and think it happens more often than we realize.
- What time of day did this happen?
  - 11:30 in the morning.
- Were there many people in the park?
  - No. When I arrived around 12:15, it was empty. We had walked through the park looking for witnesses, but it was also New Year's Eve and my guess is that it wasn't very heavily populated.
- Officer Miranda fired seven times and missed.
  - He did.
- Where did the bullets go?
  - I don't have that in my notes, but they were accounted for.

Commissioner Taylor:

- What does POP stand for?
  - They are community policing officers, the problem-oriented policing officers.
- Was Suspect Hayes a Riverside resident or visiting?
  - We believe he was not a resident, but from outside the city. There is an indication that he was in another part of the city, far from the park, the night before. That is still being investigated.
- Was the female he was with, was she cooperative?
  - Yes. She was rattled, but cooperative.
- Did she know he was armed?
  - I don't know.

Chairwoman Roberts:

- Where was the female when the shooting occurred?
  - She was sitting on the bench.

Mr. Hauptmann:

- Said he felt it important for commissioners to know that CPRC Investigator Mike Bumcrot went to the park the next day to canvass for potential witnesses. He was surrounded by gang members who told him that he was not welcome in the park and that it belonged to them. He felt very threatened, but he continued to do his work. Mr. Bumcrot said he could understand why officers are paying special attention to this park because of what he experienced.

Commissioner Hawkins:

- Is that a high crime area in the City?
  - It is an area, the park especially, that is of concern to the Department. The Department is working diligently on the park and residents will see a vast difference in it within the next several months.

Chairwoman Roberts thanked Asst. Chief Vicino for the presentation and for answering commissioner questions.

## **Outreach**

### **A) December / January Outreach**

Commissioner Ybarra:

- January 13: Riverside Philanthropic Educational Organization

Commissioner Hawkins:

- January 13: Riverside Philanthropic Educational Organization
- January 25: Vivian Stancil Olympic Gala

Commissioner Taylor:

- January 13: Residents for Responsible Representation meeting

Vice-Chair Jackson:

- January 13: Riverside Philanthropic Educational Organization

Commissioner Ortiz:

- January 10: Chambers of Commerce Board Orientation
- January 21: Chambers of Commerce Government Affairs Committee
- January 23: State of the City

Chairwoman Roberts:

- December: Festival of Lights
- January 25: Vivian Stancil Olympic Gala
- NACOLE Finance Committee

**B) Upcoming Outreach Events and Opportunities**

- 1) Lunar Fest 2014 – January 25, 2014 at 10 AM
- 2) Black History Parade and Expo – February 8, 2014 at 10 AM

Chairwoman Roberts:

- Lunar Fest: has four shifts, but more volunteers are needed for a couple of the shifts.
- Black History Parade: all shifts are covered.
- Chief's Breakfast: nine will be attending.
- Mr. Howe will be receiving his award on March 13<sup>th</sup>.

**C) Future Outreach Opportunities**

- 1) Input from Outreach Coordinator on upcoming outreach events
- 2) Input from Commission Members on potential outreach events

Chairwoman Roberts asked if it would be possible to change the February meeting from February 26<sup>th</sup> to February 12<sup>th</sup> so Commission representatives could participate at the Convention Center Gala which will be held on February 26<sup>th</sup>. She explained that NACOLE representatives would be attending and that it was important for CPRC representatives to attend as well as the Commission attempting to win the bid for the 2015 NACOLE Conference. As commissioners had no conflicts with a change, the February Regular Meeting was rescheduled for February 12<sup>th</sup>.

Chairwoman Roberts also noted that commissioners should start thinking about nominations for CPRC officers, who will be elected at the first meeting in March.

## OLD BUSINESS

### Dunbar Officer-Involved Death (OID) Case Evaluation

Continued discussion and action, if any, on the Dunbar OID case evaluation. The Commission may return to discussion of completed Stages, if needed.

- A) Stage I – Commission Member Review: Completed
- B) Stage II – Fact Finding, Request for Training & Investigation: Completed
- C) Stage III – Policy and Procedure Process: Completed
- D) Stage IV – Deliberation and Finding Process
- E) Stage V – Recommendation Process
- F) Stage VI – Written Public Report

Chairwoman Roberts said they had ended the last discussion with a request for a sketch or diagram as to where everyone was found.

Mr. Hauptmann said that all the photos or sketches were contained in the publicly available casebook. He also noted that questions had been asked about what is redacted and why. He said that RPD would be giving a training presentation in February.

Chairwoman Roberts then asked for rationales.

Mr. Hauptmann noted that a rationale follows a finding, which had not yet been made.

Chairwoman Roberts agreed and called for a motion to be made on the finding.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That the actions of the involved officer in the Dunbar OID were Within Policy	Rotker	Jackson	<b>Unanimous</b>	0	0

Chairwoman Roberts then asked if anyone had proposed language for the rationale.

Mr. Hauptmann said some rationales had been given to him via the worksheet notes and to submit to him any additional comments for the public report. He noted that some of the notes he received were rather extensive.

Chairwoman Roberts asked Mr. Hauptmann if he would have a draft prepared by the next meeting.

Mr. Hauptmann said he could prepare the public report draft and insert items for Commission review.

Chairwoman Roberts asked Mr. Hauptmann if he knew when the Commission would be receiving the next OID case.

Mr. Hauptmann said he didn't know. He said that the redaction process was quite lengthy, but that it should be received any time.

## **NEW BUSINESS**

### **CPRC Ad-hoc Committees**

#### **A) 2013 Annual Report**

Commissioner Taylor, the Annual Report Committee Chair, said he and Committee Member Ybarra had discussed the report and felt that no changes were needed to the format currently being used. They did suggest a change to the report cover to honor Fallen Officer Michael Crain and to include information about both Officer Crain and his partner, Officer Tachias, who was injured during this incident.

Chairwoman Roberts said she didn't believe a vote was needed regarding that change. She also reminded commissioners that the report is due at the end of March and asked them to review their bios and send any updates to Ms. Sherron.

Commissioner Taylor also asked for any outreach photos to be sent to Ms. Sherron as well.

Mr. Hauptmann thanked the Commission for its work on the report and its timely completion.

### **Policing and Mental Illness**

Discussion regarding policing and mental illness and the Commission's involvement in facilitating discussion between the community and the Riverside Police Department regarding this issue.

Chairwoman Roberts tabled discussion of this item for the February meeting as Commissioner Adams, who had asked that it be agendaized, was absent.

Chairwoman Roberts then called for public comment on the item.

Deborah Wong said she appreciated commissioners' presence at the forum. She said that RCPA would like a return to the model of mental health clinicians riding with officers. She said that there are other departments throughout the country who have similar models. She also noted that Linda Boyd, a leading expert for resources in Southern California, works with LAPD and has set up mobile response teams. She finished by saying she would like CPRC to have good discussion about this and make a policy recommendation regarding this matter.

### **Staff Report**

Mr. Hauptmann said he appreciated the February meeting date being changed due to NACOLE. He said the Commission had bid on the 2014 conference, but Riverside apparently didn't get it because the conference needed to be held outside the western part of the country, although Riverside's RFP was the best the NACOLE board had ever seen. He said that he feels the NACOLE conference would be beneficial to the community and RPD and that having NACOLE people present at the convention center's grand opening is very important. He said that Riverside is in a position to stand out and that CPRC gets calls from other agencies asking how things are done.

Commissioner Rotker noted that it would have been helpful if commissioners had been advised of a possible meeting date change prior to this meeting.

Chairwoman Roberts said the information regarding the grand opening date had only recently been obtained and apologized for the short notice.

### **Policing and Mental Illness (Reopened)**

Discussion regarding policing and mental illness and the Commission's involvement in facilitating discussion between the community and the Riverside Police Department regarding this issue.

Chairwoman Roberts reopened this item to allow for additional public comment.

Linda Dunn, speaking for herself and not RCPA, said that RCPA probably would, if requested, be willing to submit a letter of support for the NACOLE Conference to be held in Riverside.

Chairwoman Roberts said the offer would be kept in mind and the group would be contacted for a letter of support.

### **Commission Member Comments**

Pursuant to Government Code Section 54954.2, Commission members may use this time to make brief announcements or a brief report on their own activities.

Commissioner Ybarra said he would work both the 2<sup>nd</sup> and 3<sup>rd</sup> shifts at the Lunar Fest.

### **Items for Future Commission Consideration**

Commissioner Taylor said that activities regarding the Nextdoor program are on hold as the City's coordinator is having problems with the Nextdoor web group.

As there were no additional comments from commissioners, Chairwoman Roberts opened the item for public comment.

Deborah Wong informed the Commission of RCPA's "Bill Howe Award" and now the "Ray Lewis Award". One award recognizes a police officer and the other a community member for their work relating to police accountability. She said that the deadline for nominations is January 24<sup>th</sup>.

Dr. Wong also noted that she had e-mailed CPRC staff and officers about her concerns regarding the non-inclusion of transcripts and audio recordings in the OID casebooks. She urged the Commission to find out why this changed and who decides what is included.

Chairwoman Roberts said that the Commission would soon be getting training on that topic.

Mr. Hauptmann said that question has been asked of RPD and that research is being done to answer it. He noted that since he came to Riverside, the materials in question were not provided. RPD is researching the topic to determine if this occurred in the past and what changed.

Dr. Wong thanked Mr. Hauptmann, but noted, "There's no IF about it. I have the recordings from...your office..."

Mr. Hauptmann responded that the question was when did things change and why, and that the question is being addressed.

**Adjournment**

The Commission adjourned at 6:41 PM.

Respectfully submitted,



PHOEBE SHERRON  
Sr. Office Specialist

01-22-13 Minutes – Jan CR-Regular